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Right of peoples to self-determination

Report of the Secretary-General

I. Introduction

1. In its resolution 52/113 of 12 December 1997, the General Assembly, *inter alia*, requested the Commission on Human Rights to continue to give special attention to the violation of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression and occupation, and requested the Secretary-General to report on this question to the Assembly at its fifty-third session under the item entitled "Right of peoples to self-determination".

2. At its fifty-fourth session, the Commission on Human Rights considered agenda item 7, entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation", together with item 4, entitled "The question of the violation of human rights in the occupied Arab territories, including Palestine".[1] An account of the Commission's consideration of the items is contained in the relevant section of the Commission's report.[1]

3. Under agenda item 7, the Commission, on 27 March 1998, adopted three resolutions: resolution 1998/4, on the situation in occupied Palestine; resolution 1998/5, on the question of Western Sahara; and resolution 1998/6, on the use of mercenaries as means of violating human rights and impeding the exercise of the rights of peoples to self-determination.

4. On 27 May 1998, the Secretary-General addressed a note verbale to all Governments drawing their attention to General Assembly resolution 52/113 and requesting them to submit any pertinent information relating to that resolution.

5. To date, the Office of the United Nations High Commissioner for Human Rights has received two replies in response to the above note of the Secretary-General; the text of the replies is confirmed in section II below. Subsequent replies will appear in addenda to the present report.

II. Replies received from Governments

Jordan

[Original: Arabic]
[25 June 1998]

1. Jordan is one of the States that believe in the right of peoples to self-determination. It has reflected its attitude to the legitimacy of the right of peoples to self-determination in its expressions of support for the Palestinian people in their struggle for the right to self-determination on their national soil and for the establishment of an independent State of their own. This belief has also been embodied in the Jordanian attitude in support of Bosnia and Herzegovina, and

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the attempt to remove the injustice that befell those people and to establish their national identity, and in Jordan's condemnation and denunciation of policies of ethnic discrimination. Jordan supported the draft resolution introduced by Egypt (A/C.3/51/L.25) at the fifty-second session of the General Assembly in 1996 on the right of the Palestinian people to self-determination. Jordan also supported the draft resolution introduced by Pakistan at the same session, concerning the right of peoples to self-determination (A/C.3/51/L.28).

2. Through the policies it pursues in this field, Jordan has consistently stressed the need to condemn all forms of imperialism, racial discrimination and segregation, to recognize the right to self-determination and to grant independence to colonized peoples, in order to guarantee human rights and promote their realization in the most effective manner.

3. As to the Jordanian approach to the right to self-determination, Jordan supports the idea of dealing with this issue through a single criterion for all peoples in a way conducive to the independence of all peoples under imperialism or foreign occupation, in order to enable them to establish their entities and independent, sovereign States. This right should be granted to all States and peoples; they should not be dealt with in a selective manner. This should ultimately lead to the rise of independent and stable States and entities.

Portugal

[Original: English]
[14 July 1998]

1. In the view of the Government of Portugal, the recognition of the principle of self-determination represented a very significant victory for mankind and an important step towards respect of a right which has been (and still is) forgotten for long periods of history in different regions of the world, where the will and aspirations of the people were (and still are) not being taken into account.

2. In accordance with this principle, Portugal ratified the two International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, having also recognized the competence of the Committee on Human Rights by ratifying the Optional Protocol to the former.

3. In the same spirit, Portugal in 1974 accepted General Assembly resolution 1515 (XV), of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, in which the Assembly declared that the subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of peace and cooperation. The Declaration provides also that "all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development".

4. In accordance with these principles, the Portuguese Constitution states in its article 7 that:

> "(1) In its international relations, Portugal shall be governed by the principles of national independence, respect for human rights, the rights of peoples, equality of States, the peaceful settlement of international disputes, non-interference in the internal affairs of other States and cooperation with all other peoples for the emancipation and progress of mankind.
>
> "(2) Portugal shall advocate the abolition of imperialism, colonialism and all other forms of aggression, domination and exploitation in relations among peoples; and the establishment of a system of collective security, with a view to creating an international order capable of safeguarding peace and justice in relations between peoples.
>
> "(3) Portugal recognizes the right of peoples to self-determination, independence and development, as well as the right to revolt against all forms of oppression."

5. With regard to East Timor, the United Nations has never recognized the annexation of East Timor by the Republic of Indonesia. Therefore Portugal is still considered the administering Power and has a particular responsibility in assisting the people of East Timor to exercise their right to self-determination, as enshrined in the Charter of the United Nations and embodied in the International Covenants on Human Rights, as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples.

6. Portugal has cooperated with the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. Although Indonesia's occupation of the territory has de facto prevented Portugal from providing the information required under Article 73 *e* of the Charter of the United Nations, Portugal has kept the Committee apprised of the situation in the Territory and of developments pertaining to the problem of East Timor and

has regularly participated in the sessions of the above-mentioned Committee.

7. In its resolution 37/30 of 23 November 1982, the General Assembly requested the Secretary-General to initiate consultations with all parties directly concerned, with a view to exploring avenues for achieving a comprehensive settlement of the problem, and to report thereon to the General Assembly at its thirty-eighth session. Talks between Portugal and Indonesia are continuing under the aegis of the Secretary-General. The Secretary-General has appointed Ambassador Jamsheed Marker as his Personal Representative for the question of East Timor, with a mandate to represent him in all aspects of his good offices functions pertaining to this issue.

8. The Government of Portugal reiterates its firm commitment to cooperate with the Secretary-General and his Personal Representative in pursuing a just, comprehensive and internationally acceptable settlement of the problem that will take into account the interests of all parties concerned, in particular the right to self-determination of the people of East Timor.

Notes

[1] To be issued as *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23).